

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
District of New Mexico

United States of America)
v.)
Yavneel Ivan PINON-MENDOZA)
a.k.a. Bird, Ivan Pinon, Pinon, Ivan Yavnel)
(year of birth 1993))

Case No. MJ 24-1052 LF

FILED
United States District Court
Albuquerque, New Mexico

Mitchell R. Elfers
Clerk of Court

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 4, 2024 in the county of Valencia in the
District of New Mexico, the defendant(s) violated:

*Code Section**Offense Description*

8 U.S.C. §§ 1326(a) and (b)

Illegal Reentry of a Removed Alien

This criminal complaint is based on these facts:

See attached Affidavit.

☒ Continued on the attached sheet.

Complainant's signature

Aida Villalobos, Deportation Officer

Printed name and title

Telephonically sworn and electronically signed.

Date: 07/22/2024

*Judge's signature*City and state: Albuquerque, New MexicoHon. Laura Fashing, U.S. Magistrate Judge*Printed name and title*

CONTINUATION OF COMPLAINT

**UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF NEW MEXICO**

AFFIDAVIT

I, Aida Villalobos Deportation Officer 7889, being duly sworn, hereby depose and state the following:

INTRODUCTION AND AGENT BACKGROUND

I am a Deportation Officer (DO) with the Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE), Enforcement and Removal Operations (ERO), and have been employed by DHS ICE ERO since August 2009. I am currently assigned to the Assistant Field Office Director, Albuquerque, New Mexico where it is my duty to investigate violations of U.S. Immigration law.

The information contained in this affidavit is not an exhaustive account of everything I know about this case. Rather, it contains only the facts that I believe are necessary to establish probable cause in support of a criminal complaint against Yavneel Ivan Pinon-Mendoza (PINON) (A# XXX XXX 511) for violation of 8 U.S.C. §§ 1326(a) and (b).

DETAILS OF INVESTIGATION

On January 4, 2024, ICE Albuquerque sub-office encountered PINON at the Central New Mexico Correctional Facility (CNMCF) in Valencia County, New Mexico, after conducting jail roster checks. PINON was booked in CNMCF after being convicted and sentenced by the State of New Mexico for the charges of Great Bodily Harm by Vehicle (Driving While Under Influence of Intoxicating Liquor or Drug) in Case number D-202-CR-2023-01599. PINON was arrested for this offense on June 27, 2023. An Immigration Detainer was placed at that time.

Records found on the Enforcement Alien Removal Module (EARM) revealed that PINON is a national and citizen of Mexico with alien file number XXX XXX 511. Records also revealed that on September 3, 2013, PINON was ordered removed from the United States to Mexico by an Immigration Judge and subsequently removed from the United States to Mexico on September 7, 2013. On or about May 29, 2014, PINON was issued an Expedited Order of Removal and once again removed from the United States to Mexico on September 15, 2017.

PINON's criminal history revealed the following offenses:

- On August 6, 2013, PINON was convicted in the State of New Mexico, County of Bernalillo, Second Judicial District Court, for the offense of Shooting at a Motor Vehicle, for which he was sentenced to 18 months incarceration. (D-202-CR-2013-02867.)
- On September 29, 2014, PINON was convicted in the United States District Court for the Western District of Texas, for a violation of 8 U.S.C. § 1326(a), attempted illegal re-entry

and 18 U.S.C. § 1546, false presentation of immigration matters and sentenced to 5 years of unsupervised probation. (EP-14-CR-1227-KC.)

- On August 24, 2015, PINON was convicted in the Second Judicial District Court, Bernalillo County, State of New Mexico, for the following offenses: Count 2: Aggravated Battery (Deadly Weapon); and Count 7: Conspiracy to Commit Aggravated Battery (Deadly Weapon), for which he was sentenced to 5 ½ years' incarceration. (D-202-CR-2014-05063.)
- On November 16, 2023, PINON was convicted in the Second Judicial District Court, Bernalillo County, State of New Mexico, for the following offenses in two different cases: Count 1: Great Bodily Injury by Vehicle (DWI) (D-202-CR-2023-01599); Count 2: Battery Against a Household Member (D-202-CR-2023-01258); and Count 4: Assault Against a Household Member (D-202-CR-2023-01258), for which he was sentenced to 3 years incarceration.

PINON's booking photograph from his arrest on June 27, 2023, appears to match prior booking photographs of PINON archived with DHS ICE ERO. Further, record checks on the Treasury Enforcement Communications System, revealed the Federal Bureau of Investigation (FBI) number coincides with "PINON's" FBI number contained within booking documents.

A review of PINON's immigration history does not indicate that he has applied for or received the consent of the appropriate authority of the United States to reapply for admission into the United States after his last removal.

Based on the facts mentioned above, I have probable cause to believe that PINON has re-entered the United States illegally after his last removal.

This affidavit was reviewed and approved by Assistant United States Attorney Rumaldo Armijo.



Aida Villalobos
Deportation Officer, 7889
Albuquerque, NM

Subscribed electronically and sworn by telephone
this 22nd day of July 2024.



Honorable Laura Fashing
United States Magistrate Judge
District of New Mexico
Albuquerque, New Mexico